



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

1-800-592-5482

Public Notice – Environmental Regulation Industrial Storm Water General Permit Reissuance

Notice of action: The State Water Control Board is considering the amendment of a regulation on water quality. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency. For those who register for coverage under this permit, this general permit regulation will allow the release of storm water associated with industrial activity into surface waters of the Commonwealth, except waters specifically named in Board regulations or policies which prohibit such discharge.

Permit Regulation name: General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated With Industrial Activity (9 VAC 25-151). General permit number VAR05.

Purpose of notice: The Board is seeking comments through the Department of Environmental Quality (DEQ) on (1) the proposal, (2) the costs and benefits of the proposal, (3) effects of the proposal on farm and forest land preservation, and (4) impacts on small businesses.

Public comment period: November 10, 2008 to January 9, 2009.

Public hearing: DEQ Piedmont Regional Office, 4949-A Cox Road in Glen Allen, VA on December 16, 2008 at 2 p.m., in the Training Room. A question and answer period will be held one half hour prior to the public hearing at the same location. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

Public comment stage: Notice of Public Comment

Description of proposed regulation: This regulation establishes the VPDES general permit for storm water discharges associated with industrial activity (VAR05). The regulation amendment will reissue the existing general permit which expires on June 30, 2009. Owners covered under the expiring general permit must reregister to continue coverage under the new general permit. This permit controls the discharge of storm water runoff to surface waters from industrial operations in 29 industrial sectors. The permit requires that all covered facilities within a particular subcategory meet standardized permit conditions and monitoring requirements. All permittees must develop a storm water pollution prevention plan (SWPPP), which must identify potential sources of storm water pollution from the industrial site, and describe and ensure the implementation of management practices to reduce the pollutants in storm water discharges. The permit will maintain the Water Quality Standards adopted by the Board. Noteworthy changes to the regulation include: (1) existing permittees renewing permit coverage must update their SWPPP to meet any new permit requirements prior to submitting their Registration Statement (2) added benchmark monitoring for TSS to all industrial sectors that had benchmark monitoring in the previous permit; added a requirement that DMRs be submitted to DEQ for all benchmark monitoring; and added benchmark monitoring requirements to five industrial sectors that previously had no monitoring requirements; (3) added corrective actions the permittee must take if benchmark monitoring results exceed benchmark monitoring concentration values; if facility inspections result in discovery of a

deficiency; or if there is an exceedance of an effluent limitation, a TMDL wasteload allocation or a water quality standard; and included follow-up monitoring and reporting requirements; (4) added additional requirements for permitted facilities with salt storage piles; (5) added a special condition requiring facilities subject to TMDL waste load allocations to incorporate measures and controls into their SWPPP to address the TMDL requirements, and to perform TMDL monitoring; (6) added that storm water BMPs must be observed during active operation to ensure they are operating properly; that all non-storm water discharges are subject to all the provisions of the permit; and that outfalls must be evaluated annually for unauthorized discharges.

Issues Raised by the Public: The Notice of Intended Regulatory Action (NOIRA) comment period was from December 10, 2007 to January 9, 2008. There were no issues raised by the public at that time.

Locality particularly affected: The regulation will be applicable statewide and will not affect any one locality disproportionately.

How to comment: DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Both oral and written comments are accepted at the public hearing. DEQ prefers the submittal of written comments, including a copy of supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

How a decision is made: After comments have been considered, the Board will make the final decision. Citizens that submit statements during the comment period may address the Board members during the Board meeting at which a final decision is made on the proposal.

To review regulation documents: The proposal and the agency background document (including the summary of regulatory changes, public participation statement, and the family impact statement) is available on the Town Hall web site at www.townhall.virginia.gov and by contacting the DEQ representative named below. The public may review the documents at the location below or on the DEQ web site at <http://www.deq.virginia.gov/vpdes/>.

Contact for public comments, document requests and additional information: Burt Tuxford, DEQ Office of Water Permits and Compliance Assistance, P.O. Box 1105, Richmond, VA 23218, Phone: 804/698-4086, E-mail: brtuxford@deq.virginia.gov, Fax: 804/698-4032.